

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SKYNET ELECTRONIC CO., LTD.,

No. C 12-06317 WHA

Plaintiff,

v.

FLEXTRONICS INTERNATIONAL,
LTD., and POWER SYSTEMS
TECHNOLOGIES, LTD.,

**ORDER SETTING DISCOVERY
HEARING RE PLAINTIFF'S
DISCOVERY DISPUTE**

Defendants.

In this patent-infringement action, on March 6, plaintiff filed a letter requesting FRCP 37 sanctions for defendants' alleged failure to comply with the stipulated discovery order. This order sets forth how this alleged dispute will be handled.

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In December 2012, plaintiff Skynet Electronic Co., Ltd. filed this patent-infringement action. Defendants Flextronics International Ltd. and Power Systems Technologies, Ltd. answered and asserted counterclaims. The operative March 2013 case management order set forth the April 30, 2014, fact discovery deadline and the September 8, 2014, jury trial date (Dkt. No. 43). An October 2013 order denied as premature defendant's motion for partial summary judgment and granted leave to file a third amended complaint (Dkt. No. 85).

In October 2013, plaintiff filed the operative third amended complaint alleging infringement of one asserted patent. Defendants answered and asserted three counterclaims: non-infringement, invalidity ("each and every claim thereof, is invalid under 35 U.S.C § 1 *et*

1 *seq.*, including without limitation §§ 102, 103, and/or 112”), and “invalidity of the August 14,
2 2012 certificate of correction” (Dkt. Nos. 86, 90).

3 In December 2013, after full briefing and oral argument, defendants’ motion to compel
4 was denied (Dkt. No. 106). Four days later, plaintiff filed a discovery letter. The parties then
5 appeared for a discovery hearing. At that time, the parties informed the undersigned judge that
6 they had resolved their disputes and would file a stipulation and proposed order. The stipulation
7 was filed and approved (Dkt. Nos. 111, 112).

8 * * *

9 Plaintiff’s letter brief states:

10 Pursuant to Rule 37(b)(2)(A), Skynet requests at least the
11 following sanctions:

12 1) in that Defendants failed to provide discovery relevant to
13 35 U.S.C. § 103, specifically, secondary considerations,
14 Defendants shall not be permitted to challenge the validity of the
15 ‘318 patent claims under 35 U.S.C. § 103;

16 2) in that Defendants failed to provide substantive discovery
17 regarding its sales process with Apple and other documents and
18 information related to Apple, to the extent that infringement is
19 otherwise found, Defendants shall be found to have induced Apple
20 to infringe the ‘318 patent;

21 3) given Defendants’ ongoing failure to comply with the terms of
22 the SDO, to the extent the patent is found valid and the products
23 covered by the claims, Defendants shall be found to have directly
24 infringed the ‘318 patent;

25 4) Skynet’s fact discovery shall be extended for two months
26 without any extension for Defendants; and


27 5) attorneys’ fees incurred in seeking sanctions and compliance
28 with the SDO shall be awarded to Skynet.

(Dkt. No. 116). The SDO is the stipulated discovery order. Defendants’ response is due by **9:00 A.M. ON MARCH 11**. The Court **SETS** a three-hour meet-and-confer starting **AT 7:30 A.M. AND CONTINUING TO 10:30 A.M. ON WEDNESDAY, MARCH 12, 2014**, in the Court’s jury room located in the San Francisco courthouse concerning plaintiff’s discovery dispute. At **10:30 A.M.**, the Court shall hold a hearing to resolve any remaining issue(s). Please buzz chambers on March 12 at 7:30 a.m. to be let into the Court’s jury room. Only those lawyers who personally participate in the meet-and-confer in the jury room may be heard at the hearing. In the

1 meantime, both sides should be prepared to fully brief these issues if the undersigned judge finds
2 it necessary at the March 12 hearing.

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4 **IT IS SO ORDERED.**

5 Dated: March 7, 2014.


6 WILLIAM ALSUP
7 UNITED STATES DISTRICT JUDGE
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